

Message

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**From:** Leos, Valmichael [Leos.Valmichael@epa.gov]  
**Sent:** 2/9/2016 3:44:42 PM  
**To:** Chiang, I-Jung [chiang.i-jung@epa.gov]; Talton, Chuck [talton.chuck@epa.gov]  
**CC:** Atkins, Blake [Atkins.Blake@epa.gov]  
**Subject:** Leos comments on Chernekoff's email

# Ex. 5 Attorney Client (AC)

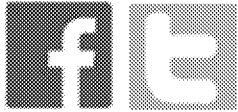
# **Ex. 5 Attorney Client (AC)**

# **Ex. 5 Attorney Client (AC)**

Sincerely,

Valmichael Leos  
Remedial Project Manager  
U.S. Environmental Protection Agency Region 6  
O: 214-665-2283

E: [leos.valmichael@epa.gov](mailto:leos.valmichael@epa.gov)



---

**From:** Chiang, I-Jung  
**Sent:** Friday, February 05, 2016 4:05 PM  
**To:** Leos, Valmichael <[Leos.Valmichael@epa.gov](mailto:Leos.Valmichael@epa.gov)>; Talton, Chuck <[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)>  
**Subject:** FW: SBA Shipyards Site

Chernekov's comments below.

I-Jung Chiang  
Office of Regional Counsel  
Superfund Branch, 6RC-S  
EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
214.665.2160  
[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)

---

**From:** Chernekoff, Mike [<mailto:mchernekoff@joneswalker.com>]  
**Sent:** Friday, February 05, 2016 3:58 PM  
**To:** Chiang, I-Jung  
**Cc:** Chernekoff, Mike  
**Subject:** SBA Shipyards Site

I-Jung,

We have reviewed EPA's draft AOC and SOW documents for the referenced site, and would like to meet with you to see if our Group of former SSIC members can reach an agreement with EPA and move forward with implementation of the RI/FS for the SBA Shipyard Site under an AOC. At this early juncture, we are not yet in a position to provide fully redlined versions of our comments to either the draft AOC or SOW. Rather, we believe an initial meeting to raise and discuss issues and topics based on your draft AOC and SOW would be productive, from which more concrete comments and proposed changes can then be developed by EPA and the Group. We do offer the following preliminary and nonexclusive comments or topics we would like to discuss based on our initial reading of your draft AOC and SOW:

1. Possible inclusion and benefits of a potential Time Critical Removal Action in the AOC to address the buried barge and alkane storage tank (e.g., former boiler barge); both vessels are believed to have ongoing releases to the environment due to steel scrapping operations conducted by others from 2012 to 2013.
2. Possible inclusion and benefits of a Non-Time Critical Removal Action in the AOC to address the Water Pit 3, surface patches of tar, other surface junk (abandoned tanks, vehicles, equipment) and debris; we would expect this to lessen the overall volume of sampling and to speed sampling efforts.
3. A discussion of EPA contractor past costs, oversight costs and future response costs, including how/whether payment of those costs will be allocated among this Group and landowners, former site operators, orphan shares, and/or others.

4. Whether a phased study approach (example: on-site work, then off-site work) could be incorporated to better accommodate the funding abilities of our members.
5. Streamlining of the tasks to be performed, submittals to be made and of the modes and manner of communication.
6. Deletion or minimization of PCB/pesticide fraction and dioxin testing given the historical information on the site and recent activities.
7. Streamlining the SOW to present data that is documented and validated and to omit data that was collected for the site over 15 years ago prior to performance of EPA-sanctioned RCRA interim measures at the site.
8. Amending the factual description of the site in the AOC and streamlining the factual description of the site in the SOW.
9. Incorporating reference to the 2002 Order/Agreement with SSIC and documenting the performance, completion, and approval of interim measures conducted at the site by Group members between 2001 through 2005; also discussing the impact and applicability of the Order/Agreement on AOC provisions including the Covenant Not to Sue, Reservations of Rights and Contribution Protection.
10. Adjusting deadlines to recognize the size of the group of respondents, requiring more time for internal review, comment, revision, and response.
11. Discussing the need for and amounts of any stipulated penalties.
12. Deletion of the community information repository (the online LDEQ EDMS can be used for this program).
13. Discussing what information and data EPA already has and what additional information and data EPA is asking Group members to provide to EPA, and when.
14. Site access issues.
15. EPA's position relative to current landowners, and the potential role of those parties relating to access and costs.
16. Discussion regarding the scope of any certifications that may be required by the AOC.
17. Discussion of financial assurance and insurance terms and issues
18. Discussion of de minimus party issues and applicability at this stage of the process.
19. Discussion of the role of the State of Louisiana/LDEQ.
20. Discussion of the role of USCG or other federal agencies.

Members of our Group are concerned about the potential scope and associated cost of the RI/FS in these economically stressed times. They support the EPA's Triad Approach and the utilization of existing quality data to the maximum extent possible. As we move forward, our hope is to develop and reach concurrence on as many technical issues as we can and try to incorporate those documents into the final AOC, including possibly including a scope of work to attach to the SOW to help define the project, associated costs, schedule, and schedule of expenditures to help with financial and time management planning.

A first round of very preliminary markups to the SOW is attached in a redline format. An similar markup of the AOC is also attached. Both identify paragraphs and topics for initial discussions.

We look forward to moving forward on this important project. Per our earlier emails, we can be available Thursday February 11 or Thursday February 18 beginning at 10 am.

Thanks,

Mike



**Michael A. Chernekoff**  
*Partner*  
**Jones Walker LLP**  
D: 713.437.1827 F: 504.589.8264  
M: 832.260.5740  
[mchernekoff@joneswalker.com](mailto:mchernekoff@joneswalker.com)

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Message

---

**From:** Leos, Valmichael [Leos.Valmichael@epa.gov]  
**Sent:** 8/5/2016 3:21:58 PM  
**To:** Chiang, I-Jung [chiang.i-jung@epa.gov]  
**CC:** Talton, Chuck [talton.chuck@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]  
**Subject:** RE: SBA Shipyard -- SOW Comments

# Ex. 5 Attorney Client (AC)

Valmichael Leos  
Remedial Project Manager  
U.S. Environmental Protection Agency Region 6  
O: 214-665-2283  
E: [leos.valmichael@epa.gov](mailto:leos.valmichael@epa.gov)



---

**From:** Chiang, I-Jung  
**Sent:** Friday, August 05, 2016 10:14 AM  
**To:** Leos, Valmichael <[Leos.Valmichael@epa.gov](mailto:Leos.Valmichael@epa.gov)>  
**Cc:** Talton, Chuck <[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)>  
**Subject:** FW: SBA Shipyard -- SOW Comments

# Ex. 5 Attorney Client (AC)

I-Jung Chiang  
Office of Regional Counsel  
Superfund Branch, 6RC-S  
EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
214.665.2160  
[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)

---

**From:** Chiang, I-Jung  
**Sent:** Friday, August 05, 2016 10:09 AM  
**To:** 'Chernekoff, Mike' <[mchernekoff@joneswalker.com](mailto:mchernekoff@joneswalker.com)>  
**Subject:** SBA Shipyard -- SOW Comments

Mike,

Apologies for not getting this to you sooner. I have been tied up on another case.

Here are my thoughts on the SOW comments from 5/25/16:

- Adding “proposed” to the site identification – I am not sure what this is meant to accomplish. Whether the Site is proposed or final on the NPL does not affect the work that needs to be done under the SOW.
- Phasing of sampling and assessment – I think this is okay, but we’ll need to discuss this with the RPM.
- Developing a narrower scope of work – Narrowing of the scope of work can be done during the initial phase of the RI and will continue during the iterative process of RI. Until we get a better handle on what’s at the site, agreeing to a narrow scope is premature. Although the PRPs will have the ability to express its preferences for the scope of work, the final determination of appropriateness of scope is an agency decision.
- Sustainability considerations – What does this mean? Will have to discuss with the RPM.
- OPA releases – This settlement and SOW are under CERCLA authority only. We have no jurisdiction or intentions under these documents to address OPA material.
- Site description – We can work on the language and make sure it conforms to whatever we agree to in the AOC.
- Striking the Performance standards language – The language is somewhat redundant with what’s already in the SOW introduction although the introduction does not use the term “performance standards.” I’d be okay if we use the exact language in the introduction about the AOC controlling.
- Modifications by mutual agreement – I think we have already agreed to the language in the AOC discussions.
- EPA guidance as performance standards – I am okay with striking the language. I will have to follow up with the RPM to have a final decision though.
- Para. 17 electronic submissions – We are probably okay with this. I will check with the RPM.
- Repository – The information repository is meant to house the administrative record for the Site which will ultimately support the remedy selection. This is an EPA-only function.
- Deliverable deadlines – We are okay with the proposed deadlines.
- Existing data search during scoping – We can discuss this. Although the historic data are dated and maybe of little use, an understanding of the data will still be relevant in determining the scope of work.
- Community Involvement Plan – You can have the opportunity to review and comment on the plan and fact sheets that will be distributed for this site.
- Site conditions description – We can discuss the SOW descriptions along with the AOC descriptions.
- Screening level exposure estimate – The RPM will have to discuss this.

I-Jung Chiang  
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Superfund Branch, 6RC-S

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214.665.2160  
[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)

Message

---

**From:** Talton, Chuck [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F606534DFF9E4CE7BDAC8D00BF8ECB5C-TALTON, CHUCK]  
**Sent:** 1/27/2016 3:48:12 PM  
**To:** Evans, Carlos [Evans.Carlos@epa.gov]  
**Subject:** SBA; Hornbeck Offshore Services, Inc., 104e Response  
**Attachments:** 104e Response from Hornbeck Offshore Services Inc. 1-19-16.pdf

## **Ex. 5 Attorney Client (AC)**

Carlos, here is Hornbeck's 104e response...

Kenneth Talton  
Enforcement Officer  
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Superfund Division, Enforcement Assessment Section  
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[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)  
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Fax: (214) 665-6660

Message

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**From:** Evans, Carlos [Evans.Carlos@epa.gov]  
**Sent:** 1/13/2016 11:15:21 PM  
**To:** Talton, Chuck [talton.chuck@epa.gov]  
**CC:** Chiang, I-Jung [chiang.i-jung@epa.gov]  
**Subject:** FW: SBA Shipyard Site  
**Attachments:** removed.txt

## Ex. 5 Attorney Client (AC)

Carlos R. Evans  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Mail Code: 6RC-EA  
Dallas, TX 75202  
(214) 665-8184

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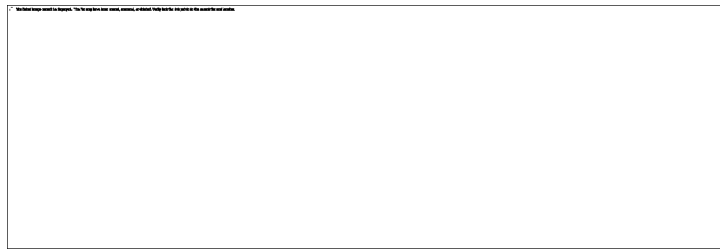
**From:** Gallagher, Sean P. [mailto:Sean.Gallagher@aclines.com]  
**Sent:** Wednesday, January 13, 2016 4:56 PM  
**To:** Evans, Carlos  
**Cc:** Talton, Chuck ; Chiang, I-Jung  
**Subject:** RE: SBA Shipyard Site

Hi Carlos,

I am writing to see if I can get an additional 30 day extension. We recently purchased AEP River Operations and am in the middle of the transition with a significant increase in my work load. We are looking to add additional people to our team and are actively interviewing. An extra 30 days will hopefully give us time to get somebody in here to help with the work load. Thank you in advance for your cooperation.

Sean

Sean P. Gallagher, Esq.  
Sr. Corporate Counsel  
American Commercial Barge Line  
1701 East Market Street  
Jeffersonville, IN 47130  
Office: 812-288-0599  
Cell: 502-774-0104  
Fax: 812-288-0294  
[Sean.Gallagher@aclines.com](mailto:Sean.Gallagher@aclines.com)



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**From:** Evans, Carlos [<mailto:Evans.Carlos@epa.gov>]  
**Sent:** Wednesday, December 02, 2015 9:12 AM  
**To:** Gallagher, Sean P.  
**Cc:** Talton, Chuck; Chiang, I-Jung  
**Subject:** RE: SBA Shipyard Site

Good morning Sean,

We are granting you a **30 day** extension, making the new deadline **January 22<sup>nd</sup>**. We understand your need for additional time. However, we are attempting to conclude this investigation and believe a 45 day extension is not required. We believe an additional 30 days should give you enough time to gather the appropriate information and documentation. We will send you a formal extension within a few days.

Feel free to contact me if you have any additional questions. Again, thank you for your message.

Carlos R. Evans  
Attorney Advisor  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Mail Code: 6RC-EA  
Dallas, TX 75202

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**From:** Evans, Carlos  
**Sent:** Monday, November 23, 2015 6:01 PM  
**To:** 'Gallagher, Sean P.'  
**Subject:** RE: SBA Shipyard Site

Good evening Sean,

Thank you for your message. I imagine that we can build some flexibility into the 104e response schedule. I will need to speak with my client (i.e., the program), however, before confirming an extension or identifying a new deadline. Unfortunately, I cannot get an answer to you this week.

Let's plan on touching base early next week to discuss the matter. Thank you and have a good evening.

Carlos R. Evans  
Attorney Advisor  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Mail Code: 6RC-EA  
Dallas, TX 75202  
(202) 665-8184

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**From:** Gallagher, Sean P. [<mailto:Sean.Gallagher@aclines.com>]  
**Sent:** Monday, November 23, 2015 5:01 PM  
**To:** Evans, Carlos  
**Subject:** SBA Shipyard Site

Dear Mr. Evans,

Today I received a CERCLA 104(e) information request regarding the SBA Shipyard Site. The letter request a response within 30 calendar days. With this being Thanksgiving week, and with the Christmas holiday right around the corner, I am going to have great difficulty preparing the responses within the 30 day period. In addition, I have other work related time restrains and personal matters which make it very difficult to respond within the next 30 days. Therefore, I respectfully request an additional 45 days to respond - through February 6. Please let me know if this is acceptable.

Best regards,

Sean

Sean P. Gallagher, Esq.  
Sr. Corporate Counsel  
American Commercial Barge Line  
1701 East Market Street  
Jeffersonville, IN 47130  
Office: 812-288-0599  
Cell: 502-774-0104  
Fax: 812-288-0294  
[Sean.Gallagher@aclines.com](mailto:Sean.Gallagher@aclines.com)



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Message

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**From:** Talton, Chuck [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F606534DFF9E4CE7BDAC8D00BF8ECB5C-TALTON, CHUCK]  
**Sent:** 7/16/2015 1:30:43 PM  
**To:** Chiang, I-Jung [chiang.i-jung@epa.gov]  
**Subject:** RE: Petroleum, Inc./SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

Good morning I-Jung -

## Ex. 5 Attorney Client (AC)

Kenneth Talton  
Enforcement Officer  
U.S. Environmental Protection Agency  
Superfund Division, Enforcement Assessment Section  
1445 Ross Avenue (6SF-TE)  
Dallas, Texas 75202-2733  
[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)  
Office: (214) 665-7475  
Fax: (214) 665-6660

---

**From:** Talton, Chuck  
**Sent:** Monday, July 13, 2015 9:35 AM  
**To:** Chiang, I-Jung  
**Subject:** RE: Petroleum, Inc./SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

## Ex. 5 Attorney Client (AC)

Kenneth Talton  
Enforcement Officer  
U.S. Environmental Protection Agency  
Superfund Division, Enforcement Assessment Section  
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---

**From:** Talton, Chuck  
**Sent:** Tuesday, July 07, 2015 9:26 AM  
**To:** Chiang, I-Jung  
**Subject:** RE: Petroleum, Inc./SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

## Ex. 5 Attorney Client (AC)

Kenneth Talton  
Enforcement Officer  
U.S. Environmental Protection Agency  
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---

**From:** Loulan J. Pitre [<mailto:Loulan.Pitre@kellyhart.com>]

**Sent:** Monday, July 06, 2015 3:47 PM

**To:** Chiang, I-Jung

**Cc:** Talton, Chuck

**Subject:** Re: Petroleum, Inc./SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

Hello,

I am following up on obtaining the evidentiary documents linking Petroleum, Inc. to this matter.

Thanks.

Loulan J. Pitre, Jr.  
Partner in Charge, New Orleans  
Kelly Hart & Pitre  
400 Poydras St. Suite 1812  
New Orleans, LA 70130  
Office 504-522-1812  
Direct 504-522-9822  
Cell 504-613-7314

Licensed to practice law in the State of Louisiana

Sent from my iPhone

On Jul 1, 2015, at 1:56 PM, "Chiang, I-Jung" <[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)> wrote:

Mr. Pitre,

Thank you for your request. As discussed, the 30-day extension should be fine. The official extension will come in a letter from the Associate Director of Enforcement shortly. Petroleum Inc.'s new response date will be **Monday, July 20, 2015**.

Please feel free to contact me if you need anything else.

I-Jung Chiang  
Office of Regional Counsel, 6RC-S  
EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
214.665.2160  
214.665.6460 (fax)

[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)

---

**From:** Loulan J. Pitre [<mailto:Loulan.Pitre@kellyhart.com>]

**Sent:** Wednesday, July 01, 2015 11:38 AM

**To:** Chiang, I-Jung

**Subject:** RE: Petroleum, Inc./SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana

Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;

CEERCLIS #: LAD008434185

Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. Section 9604(e),  
Information Request

Dear Ms. Chiang:

Thank you for taking my call.

I hereby confirm my request for an additional 30 calendar days for Petroleum, Inc. to respond to the referenced Information Request, in addition to the 30 calendar days provided in the Information Request. By my calculations, the response would then be due on July 20, 2015.

I also request a copy of any evidentiary documents related to Petroleum, Inc. in connection with this Information Request.

I would also appreciate an immediate reply email to confirm receipt.

Thank you.

**Loulan J. Pitre, Jr.**

*Partner In Charge, New Orleans*

<image003.png>

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*Licensed to Practice in the State of Louisiana*

Message

---

**From:** Chiang, I-Jung [chiang.i-jung@epa.gov]  
**Sent:** 1/18/2018 10:59:53 PM  
**To:** Talton, Chuck [talton.chuck@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Torres, Michael [torres.michael@epa.gov]  
**Subject:** RE: SBA Shipyard Superfund Site

## Ex. 5 Attorney Client (AC)

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1445 Ross Avenue  
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214.665.2160  
chiang.i-jung@epa.gov

---

**From:** Chiang, I-Jung  
**Sent:** Monday, January 08, 2018 9:49 AM  
**To:** Talton, Chuck <talton.chuck@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Atkins, Blake <atkins.blake@epa.gov>  
**Cc:** Torres, Michael <torres.michael@epa.gov>  
**Subject:** FW: SBA Shipyard Superfund Site

Please see the PRPs' request to reduce FA.

I-Jung Chiang  
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[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)

---

**From:** Wood, Alana [<mailto:AWood@joneswalker.com>]  
**Sent:** Friday, January 05, 2018 2:41 PM  
**To:** Chiang, I-Jung <[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)>; Torres, Michael <[torres.michael@epa.gov](mailto:torres.michael@epa.gov)>  
**Cc:** Chernekoff, Mike <[mchernekoff@joneswalker.com](mailto:mchernekoff@joneswalker.com)>  
**Subject:** SBA Shipyard Superfund Site

Good afternoon,

Please see Mr. Chernekoff's letter of today's date

Thank you,



**Alana Wood**

*Legal Secretary to Joshua A. Norris, Michael A. Chernekoff, Tiffany Raush and Amy K. Anderson*

**Jones Walker LLP**

D: 713.437.1843 F: 713.437.1910

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T: 713.437.1800  
[www.joneswalker.com](http://www.joneswalker.com)



***We have relocated. Please note Jones Walker's new office address.***

Message

**From:** Johnson, Lydia [johnson.lydia@epa.gov]  
**Sent:** 1/26/2018 10:47:00 PM  
**To:** Chiang, I-Jung [chiang.i-jung@epa.gov]; Talton, Chuck [talton.chuck@epa.gov]  
**Subject:** RE: SBA

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Andy Crossland (OCE), Manager	(202) 564-0574
Beata Gruszecka (OSRE)	(202) 564-6052
Jacquie Huynh-Linenberg (OSRE)	(202) 564-0547
David Smith-Watts (OCE)	(202) 564-4083
Lynne Davies (OCE)	(202) 564-2342
Hollis Luzecky (OSRE)	(202) 564-4217
Cari Shiffman (OCE) (on detail)	(202) 564-2898

**From:** Chiang, I-Jung  
**Sent:** Friday, January 26, 2018 3:48 PM  
**To:** Talton, Chuck  
**Cc:** Johnson, Lydia  
**Subject:** FW: SBA

## Ex. 5 Attorney Client (AC)

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Office of Regional Counsel  
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**From:** Chiang, I-Jung  
**Sent:** Wednesday, January 24, 2018 10:29 AM  
**To:** Talton, Chuck <[talton.chuck@epa.gov](mailto:talton.chuck@epa.gov)>  
**Cc:** Johnson, Lydia <[johnson.lydia@epa.gov](mailto:johnson.lydia@epa.gov)>  
**Subject:** FW: SBA

## Ex. 5 Attorney Client (AC)

# Ex. 5 Attorney Client (AC)

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EPA Region 6  
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**From:** Chernekoff, Mike [<mailto:mchernekoff@joneswalker.com>]  
**Sent:** Monday, January 22, 2018 4:52 PM  
**To:** Chiang, I-Jung <[chiang.i-jung@epa.gov](mailto:chiang.i-jung@epa.gov)>  
**Subject:** SBA

I-Jung,

Per our call, below is conceptual language changes to the standard form of CERCLA Performance Bond we have used to date to address a non-Respondent submitting a PB because of its contractual obligation with our PRP Group. Please note that this language has not been reviewed or approved by our Group or by the party involved defined as the Principals, and so this is subject to revision. Let me know if you'd like to discuss.

Mike

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WHEREAS, EPA and members of the SBA Shipyard Site PRP Group (the "Group") entered into the Agreement, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC §§ 9601-9675, to perform the "Work" as defined in such Agreement (hereinafter, the "Work") and to fulfill other obligations as set forth therein; and

WHEREAS, the members of the Group who entered into the Agreement are referred to therein as the "Respondents"; and

WHEREAS, pursuant to the Agreement, Respondents were obligated to meet Financial Assurance requirements as set forth therein, including by providing to EPA Performance Bonds or other approved forms of financial assurance; and

WHEREAS, although Principals herein are not Respondents to the Agreement they are members of the Group, and as such have contractually committed to the Group members to provide their *pro rata* share of the Respondents' total Financial Assurance obligation under the Agreement;

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration the receipt of which is hereby acknowledges, the parties hereto agree as follows:

1. The Principals and Surety hereto are firmly bound to the United States Environmental Protection Agency (EPA or beneficiary), in the amount of \$\_\_\_\_\_, the Total Dollar Amount of this Performance Bond, for the performance or payment of the Work by the Respondents to the Agreement, which we, the Principals and Surety, bind

ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, subject to and in accordance with the terms and conditions hereof.

2. The conditions of the Surety's obligation hereunder are such that if the Respondents shall promptly, faithfully, fully, and finally complete the Work in accordance with the terms of the Agreement, the Surety's obligation hereunder shall be null and void; otherwise, it is to remain in full force and effect.

3. [Same as in original, EXCEPT change the word "Group" to "Respondents" throughout, i.e., change "Group's failure" to "Respondents' failure".]

[Rest of language in the Performance Bond tracks the language in Performance Bonds previously submitted under the AOC.]

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***We have relocated. Please note Jones Walker's new office address.***